

IN THE INTEREST OF

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date of Birth

**Order for Temporary Physical Custody**

**Secure**

**Nonsecure**

**(Delinquency – Ch. 278 Art. XII)**

Case No. \_\_\_\_\_

A hearing for temporary physical custody was held on [Date] \_\_\_\_\_, which is the effective date of this Order.

**THE COURT FINDS:**

- 1. The child/juvenile is in the jurisdiction of this court under  
 DELINQUENCY § \_\_\_\_\_ or  
 NO JURISDICTION because: \_\_\_\_\_
- 2. Probable cause exists to believe that the child shall remain in custody because:
  - A. Child/Juvenile will commit injury to person or property of others.
  - B. Child/Juvenile will  cause injury to self.  be subject to injury by others.
  - C. Parent, guardian, legal custodian or other responsible adult is unable to provide adequate care or supervision.
  - D. Child/Juvenile will run away or be taken away, making the child unavailable for further court proceedings.
  - E. Parent has relinquished custody of the child.
  - F. Child has committed a delinquent act and there is substantial risk of physical harm to another or running away.
  - G. Child is a fugitive from another jurisdiction or runaway from a juvenile correctional facility and there was no reasonable opportunity to return to the child.
  - H. Child ran away or committed a delinquent act while in non-secure custody and no other suitable alternative exists.
  - I. Is alleged or adjudicated delinquent and is a runaway from another jurisdiction and would runaway from secure custody.
  - J. Is subject to adult criminal court and is under 15 years of age.
  - K. A protective order was issued and the child consented in writing to the custody.
- 3. Continued out of home placement is not appropriate and the child should be released with any conditions ordered.
- 4.  The child/juvenile is an Indian Child, (*Tribal Affiliation*.):  Menominee  Other: \_\_\_\_\_

**For all custody outside of the home, the court further finds:**

- 1. Continued custody of the child out of the home  is  is not in the best interest of the child.  
\_\_\_\_\_
- 2. Active efforts  were  were not made to prevent removal from the family;  
 If not made, that is reasonable that no active efforts were made at this time to reunite the family at this time.  
 **See attached Statement of Active Efforts (CU-1000)**  
\_\_\_\_\_
- 3. Continuation of residence in the home at this time  is  is not contrary to the child's/juvenile's welfare.

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4. Reasonable efforts to prevent removal and return child/juvenile safely home were *[Complete one of the following.]*
    - made by the department or agency responsible for providing services as follows: \_\_\_\_\_
    - made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows: \_\_\_\_\_
    - not required under §278-33 (I)(1) and/or (N)(1) Menominee Tribal Code
    - required, but good cause has been shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until [Date (Not to exceed 5 days)]: \_\_\_\_\_.
    - required, but the department or agency responsible for providing services failed to make reasonable efforts.
  
  5. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
    - made.
    - not required because the child/juvenile does not have siblings in out-of-home care.
    - not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.
  
  6. As to the department or agency recommendation:
    - A. The placement location recommended by the department or agency is adopted.
    - OR
    - B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.
  
  7. The  mother  father was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

**THE COURT ORDERS:**

1. The child/juvenile is held in custody out-of-home at \_\_\_\_\_ and into the placement and care responsibility of the department in the county where this order is issued.
  
  2. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings.
    - The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
    - The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.
  
  3. The department or agency shall conduct a diligent search in order to locate and provide notice to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.
  
  4. While in a nonsecure placement above, the child shall also be monitored by an electronic monitoring system.
  
  5. Release of custody conditions shall include the following restrictions:
    - Travel: \_\_\_\_\_
    - Associations with the following people and/or places: \_\_\_\_\_
  
  6. Other conditions of custody: \_\_\_\_\_
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- 7. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
  - \$ \_\_\_\_\_.
  - to be determined by [Agency] \_\_\_\_\_.
- 8. Transportation to the placement and any return to court shall be provided by \_\_\_\_\_.
- 9. The next hearing is [Date] \_\_\_\_\_ at [Time] \_\_\_\_\_  a.m.  p.m.
- 10. The request for temporary physical custody is denied.
  - Protective supervision shall be in place until further order of court.
- 11. Other: \_\_\_\_\_

Tribal Court Judge Signature ▶
Print Name
Date _____

Name and Address of Placement:

- DISTRIBUTION:
1. Court
  2. Placement Facility
  3. Child/Juvenile/Parents/Indian Custodian/Attorneys
  4. Prosecutor/Tribal Counsel
  5. Social worker/Case worker/Intake worker
  6. Tribe (if Non-Menominee)